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(COUNSEL FOR MOVANT)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:

Patrick Jules
Debtor(s)

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS SUCCESSOR
TO JPMORGAN CHASE BANK, N.A., AS
TRUSTEE FOR THE CERTIFICATEHOLDERS
OF CWABS MASTER TRUST, REVOLVING
HOME EQUITY LOAN ASSET BACKED
NOTES, SERIES 2004-C

Movant

v.

Patrick Jules
Debtor(s)

Chapter: 13

Bankruptcy Case: 18-14781-ref

Judge: Richard E. Fehling

ORDER

AND NOW, this _____ day of _____, 20____ upon the Objection of
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS
MASTER TRUST, REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES 2004-
C (hereinafter, "Creditor") and after the opportunity for hearing and considering of all evidence,
arguments and briefs of Counsel, it is ORDERED and DECREED that confirmation of the Chapter 13
Plan is DENIED.

BY THE COURT:

UNITED STATES BANKRUPTCY JUDGE

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**OBJECTION OF THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS MASTER TRUST, REVOLVING HOME EQUITY
LOAN ASSET BACKED NOTES, SERIES 2004-C TO CHAPTER 13 PLAN WITH RESPECT
TO REAL PROPERTY LOCATED AT 2548 W. TILGHAM STREET, ALLENTOWN, PA 18104**

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS
SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS MASTER TRUST, REVOLVING HOME EQUITY LOAN
ASSET BACKED NOTES, SERIES 2004-C (hereinafter, "Creditor"), through its Counsel, Stern &
Eisenberg, PC, respectfully requests that this Honorable Court deny confirmation of the Chapter 13
Plan filed by Debtor Patrick Jules (hereinafter, "Debtor"). In support thereof, Creditor respectfully
represents as follows:

1. On September 17, 1999, Debtor(s) signed a note and mortgage in the principal sum of
\$160,000.00 evidencing a loan from Allmoney Mortgage Bankers Inc., a New York Corporation in the
same amount, secured by the real property located at 2548 W. Tilgham Street, Allentown, PA 18104
(hereinafter, the "Property"), as evidenced by a mortgage duly recorded at the Recorder of Deeds for
Lehigh County on September 23, 1999 in Book 2332 at Page 0814.

2. By assignment of mortgage, the mortgage was ultimately assigned to Creditor.

3. Debtor filed the Chapter 13 Bankruptcy Petition on July 20, 2018 and as a result, any State Court proceedings were stayed.

4. Creditor objects to the Chapter 13 Plan (hereinafter, the “Plan”) for the following reasons:

a. The Plan is infeasible in that the Plan:

- i. is underfunded and does not provide sufficient funds to pay the claims
- ii. does not provide for sufficient funds to Creditor in order to cure the pre-petition arrears due to Creditor in the amount of \$60,534.67 (which is the approximate amount subject to the actual amount stated in the final filed Proof of Claim).

b. The Plan does not adequately provide for post-petition payments in the amount of \$1,022.25.

5. Further, the Debtor's Schedule D indicates a valuation of the property in the amount of \$267,000.00, with Movant's second lien against the property in the amount of \$134,582.05 along with first lien in the amount of \$132,594.00 due to LoanCare. Accordingly, there is equity in the Property and the second lien arrears should be cured through the reorganization.

6. By proposing to pay Creditor as proposed, the Plan violates the standards of 11 USC sections 1325(a)(5)(B)(i) and (ii) because it pays Creditor less than the allowed amount of such claim.

7. This Objection is made in accordance with the Federal Rules of Bankruptcy Procedure.

WHEREFORE, Creditor, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS MASTER TRUST, REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES 2004-C, respectfully requests that this Honorable Court deny confirmation of the Chapter 13 Plan and dismiss the Chapter 13 Bankruptcy Petition together with such other relief this Court deems necessary and appropriate.

Respectfully submitted,

STERN & EISENBERG, PC

By: /s/ Christopher M. McMonagle, Esq.

Christopher M. McMonagle, Esquire

Stern & Eisenberg, PC

1581 Main Street, Suite 200

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Warrington, PA 18976

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Bar Number: 316043

Counsel for Movant

DATE: October 24, 2018

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CERTIFICATE OF SERVICE OF OBJECTION TO PLAN

I, the undersigned, hereby certify that a true and correct copy of the within Objection to Chapter 13 Plan together with proposed Order and this Certificate, was sent to the below-listed recipients via first class mail and/or ECF on the date set forth below.

Patrick Jules
2548 W. Tilgham Street
Allentown, PA 18104

William Miller*R, Chapter 13 Trustee
2901 St. Lawrence Avenue, Suite 100, Reading, PA 19606
ecfemail@FredReigleCh13.com

David S. Gellert, Esquire
1244 W. Hamilton Street, Suite 204, Allentown, PA 18102

Counsel for Debtor

Respectfully submitted,

STERN & EISENBERG, PC

By: /s/ Christopher M. McMonagle, Esq.
Christopher M. McMonagle, Esquire

DATE: October 24, 2018